

## **REMARKS/ARGUMENTS**

In the Official Action mailed **July 15, 2003** the Examiner reviewed claims 1-10, 13-22, and 25-33. The amendment filed April 22, 2003 was objected to under 35 U.S.C. §132 because it introduces new matter into the disclosure. Claims 1, 13, and 25 were rejected under 35 U.S.C. §112, second paragraph as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1-5, 9, 13-17, 21, and 25-29 were rejected under 35 U.S.C. §102(e) as being anticipated by Devarakonda et al. (USPN 6,424,992, hereinafter “Devarakonda”). Claims 6, 7, 10, 18, 19, 22, 30, 31, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devarakonda in view of Fielder et al. (USPN 6,105,133, hereinafter “Fielder”). Claims 8, 20, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devarakonda in view of Kennedy et al. (USPN 6,134,582, hereinafter “Kennedy”).

### **Objections to the amendment filed April 22, 2003**

The Examiner objected to “Note that for the purpose of the instant application, common checkpointing methods familiar to those skilled in the art are used. A “checkpoint” state is a state of a process during execution of a program, and is stored information necessary for re-execution from that checkpoint. “To checkpoint” and “checkpointing” refer to the act of storing the checkpoint state.” as being new matter.

Applicant has amended the specification to remove this matter.

Referring to the 35 U.S.C. §112, second paragraph rejection in the Official Action mailed on March 26, 2003, Applicant respectfully submits that the term checkpointing, the inflected form of the verb checkpoint, is well known and

therefore does not need a specific definition in the specification. The following definition is copied from the “checkpoint” entry at [www.dictionary.com](http://www.dictionary.com).

Checkpoint: Saving the current state of a program and its data, including intermediate results to disk or other non-volatile storage, so that if interrupted the program could be restarted at the point at which the last checkpoint occurred. This facility came into popular use in mainframe operating systems such as OS/360 in which programs frequently ran for longer than the mean time between system failures. If a program run fails because of some event beyond the program's control (e.g. hardware or operating system failure) then the processor time invested before the checkpoint will not have been wasted.

The Examiner objected to “In one embodiment of the present invention, the system initially establishes an active secure communication session between the client and the second server, the active secure communication session being identified by the session identifier.” as being new matter.

Applicant respectfully points out that this text added to the specification in the amendment filed April 22, 2003 finds support in claim 9 of the instant application as originally filed. Hence Applicant submits that the added text is not new matter.

**Rejections under 35 U.S.C. §112, second paragraph**

Claims 1, 13, and 25 were rejected as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The phrase “without incurring the overhead of establishing a new secure connection” is not disclosed in the application.

Applicant has amended claims 1, 13, and 25 to replace this phrase with one that has support in the specification. These amendments find support on page 9, lines 15-18 of the instant application.

**Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)**

Independent claims 1, 13, and 25 were rejected as being anticipated by Devarakonda. Applicant respectfully points out that Devarakonda teaches **routing connections based upon an affinity for a given server** (see Devarakonda, col. 4, line 7 to col. 6, line 12). This affinity can be based upon a prior SSL session being established with the given server. In this case, additional SSL sessions are allocated to the same server (see Devarakonda, col. 4, line 66 to col. 5, line 5).

In contrast, the present invention discloses allowing **other servers to use a single secure communication session** with a client between a plurality of servers without establishing a new communication session and the related public key cryptography (see page 9, lines 15-18 of the instant application). Allowing servers to share a secure communication session with a client is beneficial because it avoids the time-consuming overhead of establishing new secure sessions.

There is nothing within Devarakonda which would suggest an advantage for sharing an established secure session between multiple servers. In fact, Devarakonda teaches away from sharing the connection. Devarakonda states "...for the SSL case, this would require renegotiating a new session key" (see Devarakonda, col. 5, lines 26-27). Not renegotiating the session key is precisely what the present invention discloses.

Accordingly, Applicant has amended independent claims 1, 13, and 25 to clarify that the secure communication session is transferred from the client and the second server to the client and the first server without the time-consuming

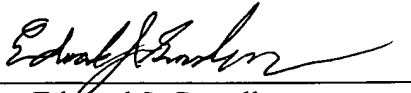
process of setting up a new communication session including any related public key cryptography. These amendments find support on page 9, lines 15-18 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 13, and 25 as presently amended are in condition for allowance. Applicant also submits that claims 2-10, which depend upon claim 1, claims 14-22, which depend upon claim 13, and claims 26-33, which depend upon claim 25 are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

## CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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